

Steve W. Berman (*pro hac vice*)
 Craig R. Spiegel (SBN 122000)
 Emilee N. Sisco (*pro hac vice*)
 HAGENS BERMAN SOBOL SHAPIRO LLP
 1918 Eighth Avenue, Suite 3300
 Seattle, WA 98101
 Telephone: (206) 623-7292
 Facsimile: (206) 623-0594
 steveb@hbsslaw.com
 craigs@hbsslaw.com
 emilees@hbsslaw.com

Jeffrey L. Kessler (*pro hac vice*)
 David G. Feher (*pro hac vice*)
 David L. Greenspan (*pro hac vice*)
 WINSTON & STRAWN LLP
 200 Park Avenue
 New York, NY 10166-4193
 Telephone: (212) 294-6700
 Facsimile: (212) 294-4700
 jkessler@winston.com
 dfeher@winston.com
 dgreenspan@winston.com

Bruce L. Simon (SBN 96241)
 Benjamin E. Shiftan (SBN 265767)
 PEARSON, SIMON & WARSHAW, LLP
 350 Sansome Street, Suite 680
 San Francisco, CA 94104
 Telephone: (415) 433-9000
 Facsimile: (415) 433-9008
 bsimon@pswlaw.com
 bshiftan@pswlaw.com

Jeanifer E. Parsigian (SBN 289001)
 WINSTON & STRAWN LLP
 101 California Street
 San Francisco, CA 94111
 Telephone: (415) 591-1000
 Facsimile: (415) 591-1400
 jparsigian@winston.com

*Class Counsel for Jenkins and Consolidated
 Action Plaintiffs*

*Class Counsel for Jenkins and Consolidated
 Action Plaintiffs*

[Additional counsel listed on signature page]

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION**

IN RE: NATIONAL COLLEGIATE
 ATHLETIC ASSOCIATION ATHLETIC
 GRANT-IN-AID CAP ANTITRUST
 LITIGATION

Case No. 4:14-md-2541-CW

**PLAINTIFFS' ADMINISTRATIVE MOTION
 TO ADOPT RECOMMENDED FEE AWARD**

Judge: Hon. Claudia Wilken

This Document Relates to:

ALL ACTIONS EXCEPT
Jenkins v. Nat'l Collegiate Athletic Ass'n,
 Case No. 14-cv-02758-CW

I. INTRODUCTION

Pursuant to Civil Local Rule 7-11, Plaintiffs hereby request that the Court adopt Magistrate Judge Cousins' recommended disposition regarding Plaintiffs' Motion for Attorneys' Fees, Expenses, and Service Awards, and Taxed Costs (ECF Nos. 1259, 1261).¹

II. STATEMENT OF FACTS

On March 26, 2019, Plaintiffs filed a Bill of Costs (ECF No. 1168) ("Bill of Costs") and a Motion for Attorneys' Fees, Expenses, and Service Awards (ECF No. 1169) ("Fees Motion"). On March 27, 2019, this Court issued an Order Referring Motion, pursuant to Civil Local Rule 72-1, referring Plaintiffs' Fees Motion to Magistrate Judge Nathanael Cousins (ECF No. 1170).

On May 2, 2019, the Clerk taxed Defendants nearly all of the amounts requested in Plaintiffs' Bill of Costs (ECF No. 1190). On May 9, 2019, Plaintiffs filed a Motion for Review of Clerk's Taxation of Costs (ECF No. 1193) and on May 10, 2019, Defendants filed an Administrative Motion to Vacate Taxed Costs Order (ECF No. 1194). Shortly thereafter, this Court ordered that "all pending and future matters related to Plaintiffs' request for attorneys' fees, costs, expenses, and service awards . . . are referred to Magistrate Judge Nathanael Cousins." Order of Reference (ECF No. 1196).

Following extensive briefing and a hearing, on December 6, 2019, Magistrate Judge Cousins issued a preliminary Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorneys' Fees, Expenses, Service Awards, and Taxed Costs and Requesting Further Submission, which directed the Parties to meet and confer to submit an accounting of a total fee award consistent with Judge Cousins' rulings (ECF No. 1259). Thereafter, on December 20, 2019, the Parties filed a joint Proposed Order (ECF No. 1260). Judge Cousins granted the joint Proposed Order on December 23 (ECF No. 1261) (collectively with ECF No. 1259, the "Fee Award Recommendation"). Defendants have not filed any objection to the Fee Award Recommendation.

III. ARGUMENT

Plaintiffs request that this Court adopt the Fee Award Recommendation. *See* FED. R. CIV. P. 54(d)(2)(D); *id.* 72(b). Because Defendants did not file a timely objection to the Fee Award

¹ In accordance with Civil Local Rule 7-11(a), Plaintiffs requested a stipulation from Defendants regarding this Motion but Defendants declined to so stipulate. Kessler Decl. ¶ 3.

1 Recommendation, the Court need only “satisfy itself that there is no clear error on the face of the
2 record in order to accept [it].” FED. R. CIV. P. 72(b), Advisory Committee Notes (1983) (citing
3 *Campbell v. U.S. Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974)) (“When no timely objection is filed,
4 the [district] court need only satisfy itself that there is no clear error on the face of the record in order
5 to accept the recommendation.”); accord *Ebates Inc. v. CashBag.co.za*, No. 4:18-02884-SBA, 2019
6 WL 1095820, at *1-2 (N.D. Cal. Jan. 14, 2019) (finding “no clear error” and adopting Magistrate
7 Judge’s decision on *inter alia* attorneys’ fees).

8 **IV. CONCLUSION**

9 For the reasons set forth above, Plaintiffs respectfully request that this Court adopt the Fee
10 Award Recommendation.

Dated: February 11, 2020

Respectfully submitted,

HAGENS BERMAN SOBOL SHAPIRO LLP

WINSTON & STRAWN LLP

By /s/ Steve W. Berman
STEVE W. BERMAN (*pro hac vice*)

By /s/ Jeffrey L. Kessler
JEFFREY L. KESSLER (*pro hac vice*)

Craig R. Spiegel (SBN 122000)
Emilee N. Sisco (*pro hac vice*)
1918 Eighth Avenue, Suite 3300
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594
steveb@hbsslaw.com
craigs@hbsslaw.com
emilees@hbsslaw.com

David G. Feher (*pro hac vice*)
David L. Greenspan (*pro hac vice*)
200 Park Avenue
New York, NY 10166-4193
Telephone: (212) 294-6700
Facsimile: (212) 294-4700
jkessler@winston.com
dfeher@winston.com
dgreenspan@winston.com

PEARSON, SIMON & WARSHAW, LLP

Jeanifer E. Parsigian (SBN 289001)
WINSTON & STRAWN LLP
101 California Street
San Francisco, CA 94111
Telephone: (415) 591-1000
Facsimile: (415) 591-1400
jparsigian@winston.com

By /s/ Bruce L. Simon
BRUCE L. SIMON (SBN 96241)

Benjamin E. Shiftan (SBN 265767)
350 Sansome Street, Suite 680
San Francisco, CA 94104
Telephone: (415) 433-9000
Facsimile: (415) 433-9008
bsimon@pswlaw.com
bshiftan@pswlaw.com

*Class Counsel for Jenkins and Consolidated
Action Plaintiffs*

*Class Counsel for Jenkins and Consolidated
Action Plaintiffs*

By /s/ Elizabeth C. Pritzker
ELIZABETH C. PRITZKER (SBN 146267)

Jonathan K. Levine (SBN 220289)
Bethany L. Caracuzzo (SBN 190687)
180 Grand Avenue, Suite 1390
Oakland, California 94612
Telephone: (415) 692-0772
Facsimile: (415) 366-6110

Additional Class Counsel

ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in the filing of this document has been obtained from the signatories above.

/s/ Jeffrey L. Kessler
Jeffrey L. Kessler